

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 CLARENCE D. JOHNSON, JR.,

4 Plaintiff

5 v.

6 JOE BIDEN, et. al.,

7 Defendants  
8

Case No.: 3:21-cv-00076-MMD-WGC

**Report & Recommendation of  
United States Magistrate Judge**

9 This Report and Recommendation is made to the Honorable Miranda M. Du, United  
10 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28  
11 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff, who resides in Chicago, Illinois, has filed numerous documents with this court,  
13 including a complaint against President Joe Biden and former Presidents Donald Trump and  
14 Barack Obama; however, there are no substantive allegations or factual assertions or claimed  
15 constitutional violations asserted in the complaint. (ECF No. 1-1.) He also filed a "Motion to  
16 Heard" (ECF No. 1-2); a "conflict resolution" (ECF No. 1-3); a "Motion for Hearing" (ECF No.  
17 1-4); a "Motion to Squash All Statements from all G45 Government Entrapment Cases" (ECF  
18 No. 1-5).

19 He has filed an application to proceed *in forma pauperis* (IFP); however, it was not made  
20 on this District's form, and it is not signed. (ECF No. 3.) He subsequently filed a motion to seal  
21 the documents and motion to approve the IFP application. (ECF Nos. 4, 5.)

22 It is unclear why Plaintiff filed these documents in this district, given that he resides in  
23 Illinois, and is suing the President and former Presidents of the United States. Moreover, there is

1 no legal basis for any claim asserted in these documents. Instead, it appears that the documents  
2 are nonsensical and frivolous.

3       As the Supreme Court has noted, “a litigant whose filing fees and court costs are assumed  
4 by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous,  
5 malicious, or repetitive lawsuits.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). “To prevent such  
6 abusive or captious litigation, § 1915(d) [now § 1915(e)(2)(B)(i)] authorizes federal courts to  
7 dismiss a claim filed [IFP] ‘if the allegation of poverty is untrue, or if satisfied that the action is  
8 frivolous or malicious.’” *Id.* “Dismissals on these grounds are often made *sua sponte* prior to the  
9 issuance of process, so as to spare prospective defendants the inconvenience and expense of  
10 answering such complaints.” *Id.* (citation omitted). A complaint is frivolous “where it lacks an  
11 arguable basis either in law or in fact.” *Id.* This term “embraces not only the inarguable legal  
12 conclusion, but also the fanciful factual allegation.” *Id.* Section 1915(e)(2)(B)(i) “accords judges  
13 not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also  
14 the unusual power to pierce the veil of the complaint’s factual allegations and dismiss those claims  
15 whose factual contentions are clearly baseless.” *Id.* at 327. This includes “claims of infringement  
16 of a legal interest which clearly does not exist” and “claims describing fantastic or delusional  
17 scenarios.” *Id.* at 327-28.

18       Plaintiff did not submit the correct IFP application form, and the form he submitted was  
19 not signed; therefore, the application should be denied. In addition, in light of the fanciful nature  
20 of the other documents filed with the court, it is recommended that action be dismissed with  
21 prejudice, and that the remaining pending motions be denied as moot.

**RECOMMENDATION**

IT IS HEREBY RECOMMENDED that the District Judge enter an order **DENYING** Plaintiff's application to proceed IFP (ECF No. 3), and **DISMISSING** this action **WITH PREJUDICE**, and **DENYING** the remaining pending motions (ECF Nos. 1-2, 1-4, 1-5, 4, 5 as moot.

Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: March 29, 2021



William G. Cobb

United States Magistrate Judge